IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 27265 of 2007(U)

PETITIONER:

FAZALUL ALI,
PRESIDENT, VADAKKEKAD SERVICE CO-OPERATIVE BANK LIMITED NO.P.562, P.O. VADAKKEKAD, THRISSUR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, CHAVAKKAD.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.

3. MOHAMMED ABDUL RAHMAN C.P.,
SENIOR INSPECTOR, ENQUIRY OFFICER/OFFICE INSPECTOR
OFFICE OF THE ASSISTANT REGISTRAR (GENERAL), CHAVAKKAD.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.27265 of 2007

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Dated this the 14th day of September, 2007

JUDGMENT

Petitioner has approached this court challenging Ext.P1. Ext.P1 is a notice issued purporting to be a show cause notice under Section 32 of the Co-operative Societies Act. In the alternative he seeks a direction not to implement any order issued under Section 32 pursuant to Ext.P1 for an appropriate period so as to enable the petitioner to work out the remedies.

2. I heard learned Government Pleader also.

3. Learned counsel for the petitioner Sri. P.Ramakrishnan would point that no case is made out under Section 32 of the Act. He would also contend that even in the past the action was taken. But the petitioner has been re-elected.

4. I would think that it may not be appropriate for this court to interfere with the matter as what has been challenged is a show cause notice. It is certainly open to the petitioner to give the explanation which the second respondent is duty bound to consider. The second respondent must remind himself that any action under Section 32 is intended only as a matter of last resort. He must also remember that it

has very drastic consequences as far as the members of the Committee were superseded in so far as they would stand disqualified for a period of one year. The Co-operative Society is to be governed in a democratic manner. It is only in extraordinary cases warranted by the provisions of the Section that the power can be exercised. I am making these observations only to allay the apprehension of the petitioner and also so that the statutory authority bears in mind these fundamental principles when he takes a decision on the basis of the explanation. Learned counsel for the petitioner submits that the period for filing the explanation has expired.

In such circumstances, the period for filing the explanation is extended by a week from today. The petitioner or his representative will be afforded an opportunity of hearing on the basis of the explanation submitted. Subject to the same the writ petition is disposed of.

(K.M. JOSEPH, JUDGE)

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